

REMARKS

Claims 1-20 are pending in this application. Claims 1, 2 and 16 are independent claims. Claims 5, 7, 9 and 13-18 stand withdrawn. By this Amendment, claims 19 and 20 are added. No new matter is added.

Restriction

Upon allowance of either generic claim 1 or 2, rejoinder and allowance of the withdrawn claims is requested.

Claim Rejections under 35 U.S.C. §102

Claims 1-4, 6 and 10 are rejected under 35 U.S.C. §102(b) as being anticipated by WO 95/21690 ("Gardin"). The rejection is traversed.

As noted in the International Search Report, Gardin does not anticipate or render obvious the pending claims. Rather, Gardin is merely an "A" reference as a document "defining the general state of the art which is not considered to be of particular relevance." For example, the press of Gardin has an outer cylinder 1 that has a supporting liner 2 and a safety liner 3 that defines the pressure chamber 6 within the outer cylinder 1. The high-pressure cylinder is radially prestressed by a wire winding 7 around the outside of the outer cylinder 1. As noted in the Office Action, the safety liner 3 includes grooves 14 arranged on an outer side of the safety liner that, in cooperation with the supporting liner 2, to form a channel.

Thus, according to Gardin, the prestressing device (steel wire winding 7) is provided around the outer cylindrical element 1 and not around the force-absorbing member (safety liner 3). Further, in Gardin the grooves 14 are not covered by the prestressing device 7 but instead are covered by the liner 2. As such, Gardin also fails to disclose or suggest a prestressing device provided around an outer envelope of the

force absorbing member. Finally, because the grooves are between the liner 2 and the liner 3, Gardin further fails to disclose or suggest a tunnel-like passage being defined by a groove in the force absorbing member and the prestressing device 7. Accordingly, Gardin does not render the claims unpatentable.

Although the Office Action contains no specific grounds for rejecting independent claim 2, Applicants submit that the safety liner 3 (alleged to be the claimed "cylindrical element") does not have a prestressing device (steel wire winding 7) provided around an outer surface of the safety liner 3. Moreover the grooves 14 on the safety liner 3 are not covered by the steel wire winding 7. Rather, as clearly shown in Fig. 1 of Gardin, the wire winding 7 is on the outer surface of the outer cylinder 1 and does not define a "tunnel-like passage." Rather, as shown in the figures the grooves 14 are formed between the safety liner 3 and the liner 2. As such, Gardin also fails to disclose or suggest the features of independent claim 2.

Because, Gardin fails to disclose or suggest the features of the pending claims, withdrawal of the rejection is requested.

Claim Rejections under 35 U.S.C. §103

Claims 11 and 12 are rejected under 35 U.S.C. §103(a) as being unpatentable over Gardin. The rejection is traversed.

Claims 11 and 12 are allowable for their dependency on independent claim 1 for the reasons discussed below, as well as for the additional features recited there. As such, withdrawal of the rejection is requested.

Claims 1-4, 6, 8 and 10-12 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0076347 ("Maerz") in view of Gardin. The rejection is traversed.

It is admitted in the Office Action that Maerz fails to disclose or suggest a prestressing device, provided around an outer envelope surface of the force-absorbing body, the force-absorbing body thereby being radially prestressed; and at least one tunnel-like passage running essentially over the length of said outer envelope surface of the force-absorbing body, the tunnel-like passage being defined by a groove in said outer envelope surface of the force-absorbing body and a portion of said prestressing device covering said groove, for conducting pressure medium to a point of detection if such medium has leaked out from the pressure chamber to the outer envelope surface of the force-absorbing body, as recited in the rejected claims.

In an effort to overcome the admitted deficiencies, it is alleged that one of skill in the art would have modified the pressure vessel 10 of Maerz according to the teachings of Gardin. However, even considering *arguendo* that the references were combinable, modifying Maerz according to the teachings of Gardin would necessarily include forming grooves on a safety liner which Maerz does not appear to disclose (Applicants note that there is identification or description of reference numbers 1, 2, 3 or 5 in the reference). Once modified according to the teachings of Gardin, the modified device would fail to include the claim features for the reasons discussed above. As such, the combination of references fails to render the claims unpatentable and the rejection should be withdrawn.

New Claims

New claims 19 and 20 read on the elected Group and Species. None of the applied references, whether considered alone or in combination, disclose or suggest a pressure chamber enclosed by a force-absorbing body that forms a pressure chamber; a prestressing device, in contact with an outer surface of the force-absorbing body, the force-absorbing body thereby being radially prestressed; and at least one tunnel-like

passage running essentially over the length of said outer envelope surface of the force-absorbing body, the tunnel-like passage being defined by a groove in said outer envelope surface of the force-absorbing body and a portion of said prestressing device in direct with contact said groove, for conducting pressure medium to a point of detection if such medium has leaked out from the pressure chamber to the outer envelope surface of the force-absorbing body, as recited in independent claim 1, or a single prestressing device is directly on the outer envelope surface of the cylindrical element, as in claim 20.

CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of claims 1-20 in connection with the present application is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John A. Castellano at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. §1.17; particularly, extension of time fees.

Respectfully submitted,

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By

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